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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,082	08/14/2000	Jeffrey A. Dean	Google-3 (GOOGP008)	1030
44989	7590	08/23/2005	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			SMITH, PETER J	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/638,082

Applicant(s)

DEAN ET AL.

Examiner

Peter J. Smith

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-25.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*William S. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*8/18/2005*

Continuation of 3. NOTE: The scope of the claimed invention is changed in that the hosts are grouped into previously unclaimed buckets as opposed to groups. The Examiner has not previously considered the scope of a bucket as compared to a group. Furthermore, the amendment to the independent claims changes the scope in some of the dependent claims by presenting new combinations of limitations not previously considered by the Examiner, *therefore requiring further search and/or*

*consideration.* **WB**

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant's arguments that claims 10-11, 20-21, and 23-24 are statutory under 35 USC 101, the Examiner respectfully disagrees. The computer readable medium in each of these claims either by explicit claim language such as "a data signal embodied on a carrier wave" or by Applicant's definition of a computer readable medium in the specification on pages 6 and 7 is not limited to a tangibly embodied computer readable medium and thus is non-statutory under 35 USC 101. Regarding Applicant's argument that Najork '265 and Najork '364 do not teach or suggest all of the limitations of the invention as presented in claims 22-24, the Examiner respectfully disagrees. The Examiner maintains that Najork '265 teaches determining that more links to hyperlinked documents are desired and sending requests to multiple link managers for more links to hyperlinked documents in fig. 2-4 and col. 5 line 53 - col. 6 line 6. The Frontier data structure queues organize and manage the links to hyperlinked documents and act as link managers for the web crawler. Each link queue manages links from a specific host to provide to the web crawler and thus is similar to each of the claimed link managers. Najork '364 further teaches how the Frontier data structure provides links in col. 3 line 58 - col. 4 line 17. The multiple queues enable the concurrent crawler of URLs as is taught by Najork '265 in col. 6 lines 1-6 and Najork '364 in col. 3 lines 58-65. Thus, the Examiner believes the motivation of concurrent URL web crawling teaches the motivation for sending link requests from multiple link managers. Thus, the Examiner believes that the combination of Najork '265 and Najork '364 teaches or suggests all of the limitations of claims 22-24..

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